

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WALTER HAYDEN et al.,

Plaintiffs,

v.

CALI KNIGHT et al.,

Defendants.

CASE NO. 2:22-cv-01527-JHC

ORDER

This matter comes before the Court on “Defendants Bruce Harrell and the City of Seattle’s [(the City Defendants)] **Second** Motion to Dismiss Plaintiff’s Amended Complaint(s) Under Rule 12(b)(6).” Dkt. # 36. The Court has considered the materials filed in support of, and apparently in opposition to, the motion, as well as the balance of the file and the applicable law. For the reasons discussed below, the Court GRANTS the motion in part and DENIES it in part.

On February 21, 2023, the Court dismissed pro se Plaintiff’s then claims against the King County Defendants without prejudice and granted Plaintiff leave to amend the complaint. Dkt. # 27. Plaintiff then filed five pleadings, which appear to be amendments to the original complaint. *See* Dkts. ## 29 (“Amendment to 1983 Civil Rights Complaint Lawsuit”), 30 (“Amendment to 1983 Injury and Relief”), 32 (“Amendment to 1983 Civil Rights Complaint Lawsuit”), 33

1 (“Amendment to 1983 Civil Rights Complaint Lawsuit”) & 34 (“Amendment to 1983 Civil
2 Rights Complaint Lawsuit”). The City Defendants move to dismiss Plaintiff’s claims against
3 them.

4 When considering a motion under Rule 12(b)(6), the Court construes the complaint in the
5 light most favorable to the nonmoving party. *See Livid Holdings Ltd. v. Salomon Smith Barney,*
6 *Inc.*, 416 F.3d 940, 946 (9th Cir. 2005). “To survive a motion to dismiss, a complaint must
7 contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its
8 face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550
9 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content
10 that allows the court to draw the reasonable inference that the defendant is liable for the
11 misconduct alleged.” *Id.* But legal conclusions “are not entitled to the assumption of truth” and
12 “must be supported by factual allegations.” *Id.* at 679. A court may dismiss a complaint under
13 Rule 12(b)(6) that lacks a “cognizable legal theory” or fails to allege “sufficient facts” under a
14 cognizable legal theory. *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990).

15 The Court understands that Plaintiff is proceeding pro se and that he apparently feels that
16 he has been wrongly treated by the City Defendants. But the Court cannot discern any
17 cognizable legal theory in Plaintiff’s pleadings supporting a claim in this court against any of the
18 City Defendants. For example, as the City Defendants argue, there is no Section 1983 cause of
19 action for a violation of Article I, Section 8, Article III, Section 1, or Article II, Section 2 of the
20 United States Constitution.

21 The motion seeks dismissal of the claims with prejudice. The Court GRANTS in part
22 and DENIES in part the motion. The Court DISMISSES Plaintiff’s claims against the City
23 Defendants without prejudice. The Court does not grant Plaintiff leave to again amend his
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1 complaint. The Court STRIKES as procedurally improper the proposed amended complaints at
2 Dkt. ## 41 & 43.

3 Dated this 21st day of April, 2023.

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6 John H. Chun
7 United States District Judge
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